

Aug 15, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ROBERT M. WAGGY,

Plaintiff,

v.

NAPHCARE, et al.,

Defendants.

1:19-cv-03074-SAB

**ORDER DISMISSING ACTION  
FOR LACK OF PROSECUTION**

This is the second *pro se* civil rights complaint and application to proceed *in forma pauperis* Plaintiff filed against the same Defendants while a prisoner at the Yakima County Jail. ECF Nos. 1 and 2. By letter dated April 16, 2019, the Clerk of Court directed Plaintiff to submit a statement of his inmate account for the preceding six months as required by 28 U.S.C. § 1915(a)(2). ECF No. 4. Plaintiff did not keep the Court apprised of his current address and the Clerk's letter was returned as undeliverable, stamped "Out of Custody," on April 24, 2016. ECF No. 5.

Plaintiff did not notify the Clerk of Court of his current address until June 26, 2019, when he advised that he was residing in Spokane, Washington. ECF No. 6. On July 2, 2019, the Court directed Plaintiff to file a new *in forma pauperis* application as it appeared he had been released from incarceration. ECF No. 7. Plaintiff did not comply with that directive and has filed nothing further in this

1 action. Therefore, **IT IS ORDERED** this action is **DISMISSED** without prejudice  
2 for failure to prosecute, pursuant to Fed.R.Civ.P. 41(b).

3 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
4 enter judgment, forward a copy to Plaintiff at his last known address, and close the  
5 file. The Court certifies any appeal of this dismissal would not be taken in good  
6 faith.

7 **DATED** this 15th day of August 2019.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian  
United States District Judge